IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4232 OF 2006

Mr. M.R. Naidu & Ors. .. Petitioners

Vs.

State of Maharashtra & Ors. .. Respondents

Mr. V.C. Ghosalkar for petitioners.
Mr. R.M. Patne, AGP for State.

CORAM: B.H. MARLAPALLE, J.

Date : June 29, 2006.

P.C.:

1. Heard Mr. Ghosalkar, the learned cousel for the petitioners who were the appellants in Appeal No.66 of 2006 filed under Section 152 of the Maharashtra Co-operative Societies Act, 1960 before the Divisional Joint Registrar Co-operative Societies, Mumbai. Initially, ad-interim stay order was passed in favour of the appellants but by the impugned order dated 13/6/2006 while admitting the appeal, stay application has been rejected.

3. Appellate remedy is a statutory remedy available to the parties and by vacating stay order

the appeal would not serve the appellants' purpose in moving the appeal. In addition, the reasoning given by the Lower Appellate Court for vacating the stay order does not meet the requirements of law and it would be appropriate that the pending appeal is decided expeditiously.

4. It is, therefore, directed that the Appeal No.66 of 2006 to be heard and decided on its own merits by the Divisional Joint Registrar Co-Op. Societies, Mumbai as expeditiously as possible and preferably by 30th September, 2006. The order of stay granted on 17/4/2006 (status quo order) shall be continued till the appeal is decided.

5. Petition is disposed off in terms of the above order.

(B.H. Marlapalle,J.)